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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,504	02/11/2004	Randy R. Dunton	42P18835	5268
8791 7590 08/24/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER DUNN, MISHAWN N	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,504	Applicant(s) DUNTON, RANDY R.	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 8, 13-17, and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al. (US Pat. 6,707,778).
2. Consider claim 1. Lin et al. teaches a method comprising: determining a beginning time stamp for an edit segment in a digital recording; determining an ending time stamp for the edit segment in the digital recording; and receiving an indication from a user whether to modify the edit segment for subsequent viewing of the digital recording (col. 7, lines 60-62; col. 8, lines 2-4).
3. Consider claim 2. Lin et al. teaches the method of claim 1, further comprising: modifying the edit segment in the digital recording according to the received indication from the user (col. 7, lines 60-62).
4. Consider claim 3. Lin et al. teaches the method of claim 2, wherein modifying the edit segment includes skipping over the edit segment in a subsequent viewing of the digital recording (col. 7, lines 60-62).
5. Consider claim 4. Lin et al. teaches the method of claim 2, wherein modifying the edit segment includes removing the edit segment from the digital recording (col. 7, lines 60-62).
6. Consider claim 8. Lin et al. teaches the method of claim 1, wherein the ending time stamp is determined as a point in time after the beginning time stamp when the user sends an indication to stop editing (col. 8, lines 2-4).

7. Consider claim 25. Lin et al. teaches a machine-readable medium containing instructions which, when executed by a processing system (col. 4, lines 33-37; fig. 2), cause the processing system to perform a method, the method comprising: determining a beginning time stamp for an edit segment in a digital recording; determining an ending time stamp for the edit segment in the digital recording; and receiving an indication from a user whether to modify the edit segment for subsequent viewing of the digital recording (col. 7, lines 60-62; col. 8, lines 2-4).
8. Claims 13-17 and 26-28 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-7, 9-12, 18-24, and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (US Pat. 6,707,778) in view of Abe et al. (US Pat. No. 6,965,723).
11. Consider claim 5. Lin et al. teaches all the claimed limitations as stated above, except wherein the beginning time stamp is determined as a point in time in which an editing command starts.

However, Abe et al. discloses wherein the beginning time stamp is determined as a point in time in which an editing command starts (col. 8, lines 23-27).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a point in time in which an editing command starts, in order to confirm the border regions of scenes before editing occurs.

12. Consider claim 6. Abe et al. teaches the method of claim 5, wherein the editing command is a fast forward command (col. 6, lines 62-64).

13. Consider claim 7. Abe et al. teaches the method of claim 5, wherein the editing command is a skip ahead command (col. 6, lines 62-64).

14. Consider claim 9. Lin et al. teaches all the claimed limitations as stated above, except wherein the indication to stop editing includes executing a play command.

However, Abe et al. discloses wherein the indication to stop editing includes executing a play command (col. 6, lines 62-64).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to execute a play command, in order to allow the user to view the edited video.

15. Consider claim 10. Lin et al. teaches all the claimed limitations as stated above, except wherein the indication to stop editing includes not executing a skip ahead command for a period of time.

However, Abe et al. discloses the indication to stop editing includes not executing a skip ahead command for a period of time (col. 7, lines 38-39).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to not execute a skip ahead command for a period of time, in order to allow the user to view important scenes.

16. Consider claim 11. Lin et al. teaches all the claimed limitations as stated above, except wherein the indication to stop editing includes not executing a rewind command for a period of time.

However, Abe et al. discloses the indication to stop editing includes not executing a rewind command for a period of time (col. 7, lines 38-39).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to not execute a rewind command for a period of time, in order to allow the user to view important scenes.

17. Consider claim 12. Lin et al. teaches all the claimed limitations as stated above, except wherein the indication to stop editing includes not executing a skip back command for a period of time.

However, Abe et al. discloses the indication to stop editing includes not executing a skip back command for a period of time (col. 7, lines 38-39).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to not execute a skip back command for a period of time, in order to allow the user to view important scenes.

18. Consider claim 29. Lin et al. teaches all the claimed limitations as stated above, except wherein receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the beginning time stamp.

However, Abe et al. discloses receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the beginning time stamp (col. 9, lines 50-52).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to all the user to make an indication of whether to keep or delete the beginning time stamp, in order to record the edited video.

19. Consider claim 30. Lin et al. teaches all the claimed limitations as stated above, except wherein receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the ending time stamp.

However, Abe et al. discloses receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the ending time stamp (col. 9, lines 50-52).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to all the user to make an indication of whether to keep or delete the ending time stamp, in order to record the edited video.

20. Claims 18-24, 31 and 32 are rejected using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 101

21. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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22. Claims 25-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "Containing" is not an acceptable link word between "computer readable medium" and "computer program." "Instructions" is not acceptable and should be replaced with "computer program." See MPEP 2106.01.I.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. US Pat No. 6,289,165
- b. US Pub. No. 2002/0133486
- c. US Pat. No. 7,055,166
- d. US Pub. No. 2004/0126085


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn
July 31, 2007


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